PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference			FOR FURTHER ACTIO)N	See Form PCT/IPEA/416	
2140/PCT						
International application No.			International filing date (da	iy/month/year)	Priority date (day/month/year)	
PCT/CH2004/000367			17.06.2004		24.09.2003	
	International Patent Classification (IPC) or national classification and IPC A61K7/48					
Applican STO	oP, Remo	o				
1.	1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.					
2.	This REPORT	consists of a total of	7	sheets, including	g this cover sheet.	
3.	This report is a	lso accompanied by A	NNEXES, comprising:			
	a. (se	nt to the applicant and	to the International Bureau)	a total of 7	sheets, as follows:	
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).					
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental					
	Box. b. (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))					
	, containing a sequence listing and/or tables					
	related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).					
4.	This report cor	tains indications relati	ing to the following items:			
	Box N	o. I Basis of the	e report			
	Box N	o. II Priority				
	Box N	o. III Non-establi	ishment of opinion with regar	d to novelty, invent	ive step and industrial applicability	
	Box No	o. IV Lack of uni	ty of invention			
	Box N	0. 1	tatement under Article 35(2) d explanations supporting suc	-	lty, inventive step or industrial applicability;	
	Box N	o. VI Certain doc	cuments cited			
	Box No	o. VII Certain def	ects in the international appli-	cation		
	Box N	o. VIII Certain obs	ervations on the international	application		
Date of submission of the demand			Date	of completion of the	is report	
Name and mailing address of the IPEA/EP			Auth	orized officer		
Facsimile No.			Telej	phone No.		

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International application No.
PCT/CH2004/000367

Box	No. I	Basis of the report		
1.		n regard to the language , this report is based on the internaticated under this item.	onal application in the language in	which it was filed, unless otherwise
		This report is based on translations from the original langum which is the language of a translation furnished for the pur international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.	poses of:	,
		international preliminary examination (Rule 55.2 and	d/or 55.3)	
2.	rece	n regard to the elements of the international application, thin iving Office in response to an invitation under Article 14 are report): the international application as originally filed/furnished the description:		
		pages _ 2-11		as originally filed/furnished
		pages* _ 1, 1a	_ received by this Authority on	07.02.2005 with letter of 12.11.2004
		pages*	_ received by this Authority on	
	\boxtimes	the claims:		
		nos.		as originally filed/furnished
		nos.*	as amended (togethe	r with any statement) under Article 19
		nos.* 1-21		01.12.20005 with
		nos.*	received by this Authority on	
	\boxtimes	the drawings:		
		sheets		as originally filed/furnished
		sheets* 1/2, 2/2	received by this Authority on	10.08.2004 with letter
		sheets*	_ received by this Authority on	
		a sequence listing and/or any related table(s) – see Suppler	nental Box Relating to Sequence L	isting.
3.		The amendments have resulted in the cancellation of:		
		the description, pages		
		the claims, nos.		
		the sequence listing (specify):		
4.		This report has been established as if (some of) the amenthey have been considered to go beyond the disclosure as a	dments annexed to this report and	listed below had not been made, since
		the description, pages		
		the claims, nos.		
		the drawings, sheets/figs		
		the sequence listing (specify):		
		any table(s) related to sequence listing (specify):		
*	If ite	em 4 applies, some or all of those sheets may be marked "su	perseded."	

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Box No. V		Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement					
	Novelty (N)		Claims 1-13, 16-18	YES		
			Claims 14, 15, 19-21	NO		
	Inventive	e step (IS)	Claims	YES		
			Claims 1-21			
	Industrial applicability (IA)					
	IIRGSIIIG	и аррисаон	ty (IA) Claims 1-21 Claims	— YES NO		
2.	Citations an	d explanatio	ons (Rule 70.7)			
	1.	Refe	rence is made to the following documents:			
		D2:	WO 89/12440 A (RIBI JOHANN) 28 December 1989			
		D4:	FR 609 177 A (Aschéro) 10 August 1926			
		D5:	DE 29 03 159 A1 (Kirchner, Georg)			
			31 July 1980			
	2.	This	international application claims:			
		-	an agent,			
			that is suitable for removing tattoos,			
			characterised by a pH of less than 7,			
			containing			
			A 10-20 wt.% of an alkali chloride in an			
			aqueous solution and			
			B oil			
		(cla:	im 1),			
		_	an arrangement,			
			that is suitable for implementing a method			
			for removing tattoos,			
			characterised by a tool,			
			comprising two or more needles which are			
			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- secured on a support at a specific, unspecified distance from one another,
- a production process
- -- for an agent that is suitable for removing tattoos,
- -- characterised by the use of an aqueous solution,
- -- which has a pH of less than 7 and contains A and B

(claim 14) and

- a method
- -- for removing tattoos,
- -- characterised by topical application of an agent as per claim 1 (claim 16).
- 3. The application contains two independent claims of the same category: both claim 1 and claim 19 are directed to products.

Those products are not directly linked, since in the claimed method the agent as per claim 1 can also be used without the arrangement as per claim 19 (see claim 17) and since the indication that the arrangement can be operated using agents as per claim 1 is non-limiting.

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The extent to which the requirements for unity of invention are satisfied will therefore need to be examined in any subsequent regional patent granting procedure.

4. Novelty

The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claims 14 and 19 lacks novelty (PCT Article 33(2)).

4.1 Document D2 discloses a composition for removing tattoos, characterised in that it contains 80 wt.% coconut milk and 4-10 wt.% lactic acid. As is known, coconut milk contains oils as well as alkali- and chloride ions in the form of mineral salts in an aqueous solution. The lactic acid naturally results in an acidic pH.

D2 thus anticipates the subject matter of production claim 14 in a manner prejudicial to novelty.

4.2 Document D5 discloses an arrangement that is suitable for use in a method for removing tattoos, characterised by a tool (38) which comprises a set of needles, said tool being connected by means of a screw connection to a drive unit in such a way as to be replaceable (D5, page 16, lines 2 and 3). The indication in the current claim 19 that the needles "are interconnected at one end" does not

rule out a connection generated by a holder.

Also, the indication in claim 19 that the needles

"are arranged at a distance from one another"

cannot be used to delimit over the prior art

whilst the distance remains unspecified.

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;

5. Inventive step

Box No. V

5.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1, and therefore also the subject matter of claim 16, does not involve an inventive step (PCT Article 33(3)).

Document D4 is considered the closest prior art and discloses in lines 34-36 a topically applied composition for removing tattoos, containing water and 7.4 wt.% sodium chloride, the pH being set in the acidic range with the aid of oxalic acid.

The subject matter of the current claim 1 differs therefrom in that the composition contains more sodium chloride and also an oil.

Oils have been common additives in skin care products since ancient times.

The application does not contain any experimental evidence which shows that the above distinguishing features are actually linked to a technical effect. Those features therefore cannot be considered when assessing inventive step.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
5.2	The passage in claim 16, "the agent is made to
	penetrate the skin", cannot be considered a
	technical feature for solving the stated problem;
	said passage represents rather a desire, that is a
	statement of the problem without the possible
	solutions being indicated. The possible solutions
	appear only in dependent claims 17 and 18.